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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,233	01/19/2000	Scott D. Cook	3878	2923

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EXAMINER

DASS, HARISH T

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 11/05/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary	Application No.	Applicant(s)	
	09/487,233	COOK ET AL.	
	Examiner	Art Unit	
	Harish T Dass	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-101 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 74-79 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 74 depends on itself.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deming (US Patent 4,823,264) and PayPal website (<http://web.archive.org/web/19991012023035/paypal.com/about.html>).

Regarding claims 1-3, Deming discloses an electronic fund transfer (EFT) system/method/computer from payer's account to Payee or to Payee's account using National Automated clearing House Association facility, and routing and transfer number (RTN) (fig. 1; C1 L1 to C3 L6). Deming does not disclose contact information of receiver. However, paypal discloses sending money to anyone with Palm organizer or an email address (contact information). The EFT, ACH and email address are well known to one skill in the art where (EFT and ACH) are used in transaction settlement between the financial institutions, businesses, ATM, etc, and email address are used for sending (transmitting) text information or financial institutions web links to recipients of the email. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the disclosure of Deming and incorporate

receivers contact information (email address), as taught by paypal, for fast and instant fund delivery to receiver (payee, merchant, individual, etc.)

Regarding claims 4-7, Deming discloses an electronic fund transfer (EFT) system/method/computer from payer's account to Payee or to Payee's account using National Automated clearing House Association facility, routing and transfer number, and transaction amount (fig. 1; C1 L1 to C3 L6). Deming does not disclose means of contact to inform the receiver. However, paypal discloses and contact by email (contact information). Email, telephone, voice mail, voice over IP and pager are well known to one skill in the art as a common data/information transport system and they are used for being fast, cheap and reliable way to communicate and provide information to receiving end.

Regarding claims 8-30 Deming discloses an electronic fund transfer (EFT) system/method/computer from payer's account to Payee or to Payee's account using National Automated clearing House Association facility, routing and transfer number, transaction amount, payer starts initiating EFT using PC and entering payee information (target information), identification code, description of transaction (bill identification), crediting the debiting accounts, means for verifying payers account code (fig. 1; C1 L1 to C4 L67). Deming does not disclose means of contact to inform the receiver (target) and registering and storing list of receiver. However, paypal discloses and contact by email (contact information). Online bill payment, e-bills and banking are well known to

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one skill in the art as a common bill payment methods which are fast, timely and cheap (no mailing required). Online payment systems allow individuals to store the payee's information for future use to save time without re-entering receivers information (target account, bank, etc).

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10-31-02 ~~58~~ Claims 31-~~56~~, 60-61 & 63-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deming (US Patent 4,823,264) and PayPal website (<http://web.archive.org/web/19991012023035/paypal.com/about.html>) as applied to claims above, and further in view of Williams (US Patent 6,119,105).

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10-31-02 ~~56~~ Regarding claims 31-~~56~~, 60-61, 63-101, Deming discloses an electronic fund transfer (EFT) system/method/computer from payer's account to Payee or to Payee's account using National Automated clearing House Association facility, routing and transfer number, transaction amount, payer starts initiating EFT using PC and entering payee information (target information), identification code, description of transaction (bill identification), crediting the debiting accounts, means for verifying payers account code (fig. 1; C1 L1 to C4 L67). Deming does not disclose Point of Sale, ATM, credit card and fee (charge). Credit cards and ATMs are well know to one skill in the art for EFT where user need pin code (password/authentication) to use, as well as banks verification method by asking questions about last deposit or transaction to provide information on the telephone, banking online and online payment systems are common to pay bills and view the bank current statements. Line of credits and fees are associated with credit

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cards and most electronic transactions. However, Williams discloses an EFT, Point of Sale where the transaction is processed for authorization for the transaction granted or denied, credit card (Abs; Fig 1b, 1c, 2-4, 8-9, 15a, 15b, 17, 18a-e, 20b-d, 22, 27, 29-48; C1 L9 to C4 L67; C73-C80). It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the disclosure of and include Point of Sale system to get authorization and download billing information, add ATM functions to provide access to cash/transfer from ATM machines and banking online to pay bills and view current balance and statement.

Regarding claims 57-58 Deming discloses an electronic fund transfer (EFT) system/method/computer from payer's account to Payee or to Payee's account using National Automated clearing House Association facility, routing and transfer number, and transaction amount, informing sender by email (fig. 1; C1 L1 to C3 L6). Deming does not disclose means of informing the sender by transmitting message. However, paypal discloses and contact by email (contact information). Email, telephone, voice mail, online statement, voice over IP and pager are well known to one skill in the art as a common data/information transport system and they are used for being fast, cheap and reliable way to communicate and provide information to receiving end.

Claims 59 & 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deming (US Patent 4,823,264) and PayPal website

(<http://web.archive.org/web/19991012023035/paypal.com/about.html>) as applied to

claims 1, and further in view of Kirk ("Washington Stat : First State to Pioneer Web Tax Filing and Payment" The Journal of Electronic Commerce, Vol. 11, no. 3, 1998 p. 38-41; EEDD)

Regarding claims 59 & 62 Deming discloses an electronic fund transfer (EFT) system/method/computer from payer's account to Payee or to Payee's account using National Automated clearing House Association facility, routing and transfer number, transaction amount, payer starts initiating EFT using PC and entering payee information (target information), identification code, description of transaction (bill identification), crediting the debiting accounts, means for verifying payers account code (fig. 1; C1 L1 to C4 L67). Deming does not disclose tax refund. However, Kirk discloses Electronic Tax filing (ELF) system-using EFT/ACH where the system facilitates electronic filing and payments, with authentication, secured socket and encryption of transaction. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the disclosure of, Deming and add ELF to file timely and get faster refund where the money will be deposited in your bank account.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR § 1.111 (c) to consider the references fully when responding to this action.

US Patent 4,823,264 to Deming, Apr. 18, 1989 "electronic Funds Transfer System". The invention discloses EFT from Payer to Payee electronically via National Automated clearing House Association using account number or printing a check.

US Patent 5,704,046 to Hogan, Dec. 30, 1997 "System and Method For Conducting Cashless Transactions". The invention discloses conduction commercial transactions of small monetary value without using cash.

US Patent 5,937,396 to Konya, Aug. 10, 1999 "System For ATM/ATM Transfers". The invention discloses transferring currency electronically between ATMs.

US Patent 5,963,647 to Downing et al, Oct. 5, 1999 "Method and system For Transferring Funds From an Account to an Individual". The invention discloses transferring funds from a source account (Payer) to customer and non-customer (Payee) by accessing the fund using codeword.

Kirk, Dave. "Washington State: First State to Pioneer Web Tax Filing and Payment" The Journal of Electronic Commerce, Vol. 11, no. 3, 1998 p. 38-41. See Examiner's Electronic Digest Database (EEDD). The article discloses electronic payment system using electronic funds transfer Automated Clearing House with disclosing the payer account number.

Paypal web page "Pay People Instantly"

<http://web.archive.org/web/19991012023035/paypal.com/about.html>

Deming (US Patent 4,823,264), Williams (US Patent 6,119,105) and PayPal website

<http://web.archive.org/web/19991012023035/paypal.com/about.html>)

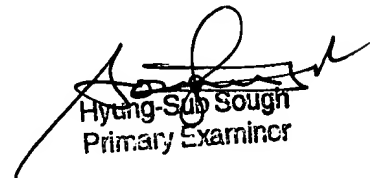
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Harish T Dass HTD
Examiner
Art Unit 3628

October 31, 2002


Hyung-Sup Sough
Primary Examiner